

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

XEROX CORP.,

No. CV04-1251-ST

Plaintiff,

OPINION AND ORDER

v.

RED COLOR,

Defendant.

**MOSMAN, J.,**

On December 22, 2005, Magistrate Judge Stewart issued Findings and Recommendation ("F&R") (#33) in the above-captioned case recommending plaintiff's motion for attorney's fees and costs (#28) be granted in the amount of \$46,418.00 for attorney's fees and \$16,488.38 for costs. No objections were filed.

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The district court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. Where objections have been made, I conduct a *de novo* review. 28 U.S.C. § 636(b)(1)(C). However, I am not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objections are made. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

Upon review, I agree with Judge Stewarts' recommendation to GRANT plaintiff's motion for attorney's fees and costs, and I ADOPT the F&R as my own opinion.

IT IS SO ORDERED.

DATED this 15th day of February, 2006.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
United States District Court